

DECLARATION OF JOHN BRINSON

I, John Brinson, hereby state and declare as follows:

1. All of the statements made herein are based on my personal knowledge and if called as a witness I could and would testify competently thereto.

2. I am a defendant in the case entitled United States v. Arlan Wesley Harrell, 17-CR-00404-AB. I submit this declaration in support of the motion to suppress my post-arrest statements, which are contained in a four-part video-taped post-arrest interrogation. I submit this declaration under the authority of Simmons v. United States, 390 U.S. 377 (1968) and pursuant to Local Criminal Rule 12-1.1 for the Central District of California. It is my understanding that nothing I say in this declaration, or the fact of its existence, can or will be used against me or admitted into evidence in the prosecution's case-in-chief at trial; and I expressly reserve my Fifth Amendment rights.

3. I was arrested on June 13, 2017 in Fresno, CA. On the same day, immediately following my arrest, I was subjected to a post-arrest interrogation conducted by HSI agents Greg Squire and John Kuzma at the Fresno County

1 Sheriff's office. In accordance with the requirements under Local Criminal Rule  
2 12-1.1, the facts supporting this motion are set forth below:  
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- 4 a. I was under overwhelming pressure to submit to the interrogation and to  
5 answer questions on June 13, 2017. I was in a state of great fear and was  
6 coerced into answering questions because I felt had no choice but to  
7 submit to questioning. I was not in a clear state of mind and unable to  
8 think things through as a result the pressure from the agents to comply  
9 with their demands to cooperate with them.  
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- 11 b. From the outset of the interview when Agent Squire read the Miranda  
12 warnings, he immediately began explaining to me how he wanted the  
13 interview to proceed and he set an aggressive agenda that resisted any  
14 attempt on my part to assert my right to an attorney or to refuse  
15 answering his questions, even though I tried to hold out for the first hour.  
16 Among the tactics used by agent Squire was his statement that he wanted  
17 to have an "open and honest" conversation with me and warned me that  
18 before I say anything he wanted me to know some of the evidence law  
19 enforcement agents had gathered and who the law enforcement agents  
20 had been speaking to. I felt pressured by agent Squire to speak without  
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1 the presence of an attorney, even though I expressed my desire to have an  
2 attorney.  
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4 c. I was extremely overwhelmed and confused. I did not want to speak to  
5 the agents without the presence of an attorney but I did not want to upset  
6 the agents, either. The agents repeatedly talked about my self-  
7 preservation, protecting myself, and that it was time to help myself.  
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9 d. I made a statement to the agents about having an attorney present which  
10 the agents completely ignored. I did not understand the agent's response  
11 to my request for an attorney, and their indifference to my statements  
12 created extreme anxiety that made me feel that I had no choice but to  
13 submit to their demands to speak to them.  
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15 e. I was very frightened because I did not want to agitate the agents or  
16 appear uncooperative. I struggled for the entire first hour of the  
17 interrogation between my desire to have an attorney but also my fear of  
18 antagonizing the agents, and as a result I sat silently for a long time  
19 hoping that by remaining silent for so long, the agents would give in and  
20 respect my rights by arranging for me to have an attorney. I hoped that if  
21 I just remained silent and did not answer their questions they would  
22 respect my desire to remain silent and stop asking questions. But that did  
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1 not happen. The agents just kept pressing on and on, ignoring my  
2 condition and insisting on having a dialogue about the facts of the case.  
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4 The kinds of questions they were asking were exactly the subject matters  
5 that I wanted to consult with an attorney about first before answering; but  
6 the agents were persistent, and I did not know how to handle the  
7 situation.  
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10 f. Over the course of the first hour, my anxiety became so extreme that I  
11 became physically ill, and I told the agents that I needed to vomit. One  
12 of the agents gestured to me there was a bucket right behind me and then  
13 continued asking me questions, ignoring my physical condition. I asked if  
14 the agents would hand me the bucket and they did not. I was so sick I  
15 could not get up myself to get it.  
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18 g. I was sick, scared and extremely confused. The agents kept insisting I  
19 answer their questions and telling me I'd get credit for cooperating and I  
20 could help myself. All I wanted to do was consult with an attorney; but  
21 the agents ignored my condition and repeatedly made statements along  
22 the lines of: if you help us, we can help you. I felt overwhelmed and  
23 confused by the agent's repeated insistence that I would lose my  
24 opportunity to earn credit by cooperating.  
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- 1 h. After an hour had passed, I lost the ability to hold out and could no  
2 longer handle the pressure exerted on me by the agents. My will was  
3 overborne. I felt that I had no choice but to give in and talk to the agents.  
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5 i. At no time did I feel that I was speaking to the agents voluntarily or of  
6 my own free will. Nor do I feel that I ever waived any of my rights  
7 knowingly or voluntarily.  
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11 I declare under the penalty of perjury that the foregoing is true and correct to  
12 the best of my knowledge.  
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14  
15 DATED: May 15, 2019

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JOHN BRINSON